

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erica Jung	Team: Squad #1	CCRB Case #: 202200292	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/28/2021 8:51 PM	Location of Incident: 34th Precinct Stationhouse	Precinct: 34	18 Mo. SOL 4/28/2023	EO SOL 4/28/2023	
Date/Time CV Reported Fri, 01/14/2022 5:01 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 01/14/2022 5:01 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Sohag Paul	17685	959053	034 PCT
2. SGT Sherlon Cromwell	05052	943116	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Moises Roman	11974	942876	034 PCT
2. LT Levy Garcia	00000	936646	034 PCT
3. PO Michael Mccahey	15904	966699	034 PCT
4. PO Laura Carcamo	31770	954602	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.PO Sohag Paul	Force: Police Officer Sohag Paul tightly shackled § 87(2)(b) [REDACTED]	
B.SGT Sherlon Cromwell	Force: Sergeant Sherlon Cromwell tightly shackled § 87(2)(b) [REDACTED]	
C.SGT Sherlon Cromwell	Abuse: Sergeant Sherlon Cromwell forcibly removed § 87(2)(b) [REDACTED] to the hospital.	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB in-person on January 14, 2022.

On October 28, 2021, at around 1:25am, § 87(2)(b) was in Manhattan when PO Sohag Paul, assigned to the 34th Precinct, arrested him for violating an order of protection. At the 34th Precinct Stationhouse at 4295 Broadway in Manhattan at around 8:51 pm, PO Paul and Sgt. Sherlon Cromwell, assigned to the 34th Precinct, tightly shackled § 87(2)(b) **(Allegations A and B: Force – § 87(2)(g))**. Sgt. Cromwell then forcibly removed § 87(2)(b) to the hospital **(Allegation C: Abuse of Authority – § 87(2)(g))**.

The investigation obtained BWC footage from PO Paul and three other officers assigned to the 34th Precinct: PO Moises Roman, PO Michael McCahey, and Lt. Levy Garcia (Board Review 01-04).

Findings and Recommendations

Allegation (A) Force: Police Officer SOHAG PAUL tightly shackled § 87(2)(b)

Allegation (B) Force: Sergeant SHERLON CROMWELL tightly shackled § 87(2)(b)

Allegation (C) Abuse of Authority: Sergeant SHERLON CROMWELL forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) stated that he was standing outside a deli drinking his coffee when PO Paul arrested him for violating an order of protection and took him to the 34th Precinct Stationhouse. Once § 87(2)(b) was inside the holding cell, he started sweating a lot due to his high blood pressure as he had forgotten to take his medication earlier that morning. The officers at the stationhouse asked him if he had been drinking any alcohol. § 87(2)(b) stated that he did not drink any alcohol as he was headed to work as a forklift operator. § 87(2)(b) told PO Paul that he was sweating due to his high blood pressure. PO Paul called an ambulance to determine whether § 87(2)(b) was drunk or on drugs because of how profusely he was sweating. § 87(2)(b) never asked for an ambulance. Once the EMTs arrived at the scene, Sgt. Cromwell instructed PO Paul to shackle § 87(2)(b) by the legs. PO Paul tried to shackle § 87(2)(b)'s legs, but his legs were swollen due to his high blood pressure and the shackles could not be secured. Additionally, § 87(2)(b) was six feet tall and weighed 300 pounds. PO Paul squeezed § 87(2)(b)'s legs and tried to secure the shackles around them, but he was unsuccessful. § 87(2)(b) started screaming in pain and complained about his pain to PO Paul. Sgt. Cromwell came inside the room and squeezed § 87(2)(b)'s legs while PO Paul attempted to secure the leg shackles. As a result, § 87(2)(b)'s legs started bleeding from the shackles. PO Paul and Sgt. Cromwell rolled up § 87(2)(b)'s socks so that they could soak up the blood. § 87(2)(b) was then taken to the ambulance without leg shackles. Once he arrived at § 87(2)(b) Hospital, a physician asked § 87(2)(b) to explain what was going on. § 87(2)(b) told the physician to ask PO Paul because PO Paul was the one who called for an ambulance. PO Paul stated that § 87(2)(b) must have been under the influence because of how much he was sweating. § 87(2)(b) explained to the physician that he had high blood pressure. § 87(2)(b) was discharged after 30 minutes of being there (Board Review 05).

Per the prehospital care report, PD stated that § 87(2)(b) became combative and refused to get fingerprinted. Upon the EMS' assessment, § 87(2)(b) was still combative and refused to cooperate. § 87(2)(b) refused to cooperate with a blood pressure check and it was documented that he had no injuries or trauma (Board Review 06).

Per § 87(2)(b)'s medical records from his visit to § 87(2)(b).
§ 87(2)(b).
The arrival complaint is listed as "EDP." There were no handcuffs on § 87(2)(b) upon his arrival. While § 87(2)(b) stated that he had a history of hypertension and his blood pressure of 144/77 was flagged for being high, he did not have any medical complaints and was not in any apparent distress. § 87(2)(b) had no psychiatric history and his mood, behavior, thought content, and judgement were all described as normal. His final diagnosis was listed as "encounter for medical screening examination" (Board Review 06).

EMT § 87(2)(b) responded to a call for an EDP who was uncooperative and refusing to be fingerprinted. When he arrived at the 34th Precinct stationhouse, the officers informed him that § 87(2)(b) was refusing to get fingerprinted. EMT § 87(2)(b) approached § 87(2)(b) to get an assessment, asked him what was going on and what the problem was. § 87(2)(b) was uncooperative and combative as he refused to answer his questions but was not physically combative. § 87(2)(b) told EMT § 87(2)(b) not to worry about it and stated that he did not want to talk to him. § 87(2)(b) did not complain about high blood pressure but mentioned that he had a history of it. Rather he said, "if they are going to waste my time, I'm going to waste theirs." Due to § 87(2)(b)'s refusal to provide any information about himself, EMT § 87(2)(b) had to operate under the assumption that § 87(2)(b) was an EDP per the officers' description of him as an EDP. EMT § 87(2)(b) saw at most two officers handcuff § 87(2)(b) and shackle his legs, which was the usual procedure for transporting arrestees to the hospital. However, there was some difficulty with getting the leg shackles on § 87(2)(b)'s legs as they were larger than normal. Still, EMT § 87(2)(b) believed that the officers were eventually able to get the leg shackles on. EMT § 87(2)(b) did not see any blood on § 87(2)(b)'s legs as the officers were trying to shackle him. § 87(2)(b) did not complain of any pain (Board Review 07).

Sgt. Cromwell stated that he was at his desk at the precinct stationhouse when he heard § 87(2)(b) yelling and screaming. § 87(2)(b) was belligerent, angry, and combative. Sgt. Cromwell walked to the holding cell and told § 87(2)(b) that his arresting officer, PO Paul, would be with him. However, Sgt. Cromwell went back and forth from his desk to the holding cell multiple times because § 87(2)(b) kept screaming and calling for him. Sgt. Cromwell felt that § 87(2)(b) was acting irrational because he was screaming for hours starting from the time he came in. Sgt. Cromwell tried to calm § 87(2)(b) and told him that PO Paul was trying to process him as fast as possible. § 87(2)(b) kept cursing and being loud, and Sgt. Cromwell was concerned that he might need medical attention. Sgt. Cromwell was concerned about § 87(2)(b) causing harm to the other civilians coming into the holding cell and felt that he was not exhibiting normal behavior for a prisoner inside a holding cell. Based on his own observations and experience, Sgt. Cromwell determined that § 87(2)(b) was acting emotionally disturbed. For these reasons, Sgt. Cromwell wanted § 87(2)(b) to get an evaluation and had PO Paul request an ambulance to the stationhouse. Sgt. Cromwell did not recall there being a conversation about § 87(2)(b) getting fingerprinted as this process is mainly handled by the arresting officer. When the two EMTs arrived, § 87(2)(b) started acting out again and appeared even angrier. Sgt. Cromwell did not hear the conversation between § 87(2)(b) and the EMTs as he was back at his desk. The EMTs suggested that § 87(2)(b) go to the hospital. Any arrestee that is transported to the hospital must be handcuffed and shackled on the legs per standard procedure. From his desk, Sgt. Cromwell instructed PO Paul to place leg shackles on § 87(2)(b). Sgt. Cromwell did not see this

happening as he was at his desk and busy dealing with other responsibilities within the command. PO Paul told Sgt. Cromwell that § 87(2)(b) did not want the leg shackles on as he stated that they did not fit. Sgt. Cromwell walked over to the holding cell from his desk and told § 87(2)(b) that they needed to place the leg shackles on him due to protocol. § 87(2)(b) refused to put his foot down while sitting and kept screaming and stating that the leg shackles would not fit before Sgt. Cromwell eventually placed the leg shackles on him. When Sgt. Cromwell briefly placed the leg shackles on his legs and attempted to secure them, he saw that they would not fit even after lifting his jeans up. Sgt. Cromwell decided that § 87(2)(b) would going to the hospital without the leg shackles. Sgt. Cromwell was not sure if § 87(2)(b)'s legs were swollen and the EMTs did not explain to him why the leg shackles could not fit. Sgt. Cromwell did not see any injuries on § 87(2)(b) even around his legs. Sgt. Cromwell did not see any bleeding on § 87(2)(b)'s legs. § 87(2)(b) was then removed by ambulance to the hospital (Board Review 08).

PO Paul transported § 87(2)(b) to the precinct stationhouse, upon his arrest, and took him into the holding cell room. There, PO Paul started filling out all the paperwork to process § 87(2)(b)'s arrest. PO Paul asked § 87(2)(b) to get fingerprinted at least five to six times, to which § 87(2)(b) refused each time. § 87(2)(b) appeared annoyed and stated that he did not understand why he had been arrested multiple times for the same thing. PO Paul then got PO Roman to come inside the holding cell room and talk to § 87(2)(b). PO Roman asked § 87(2)(b) to get fingerprinted, but PO Paul did not recall how many times. § 87(2)(b) kept refusing to get fingerprinted as he disputed his arrest. Sgt. Cromwell and PO Laura Carcamo, the T/S operator, even asked § 87(2)(b) to get fingerprinted, to which § 87(2)(b) continued to refuse. After two to three hours of § 87(2)(b) refusing to get fingerprinted, Sgt. Cromwell told § 87(2)(b) that he had to go to the hospital per procedure. It is common for officers to send arrestees to the hospital when they refuse to get fingerprinted because there might be psychiatric issues going on with the arrestee given that it is not reasonable to refuse to get fingerprinted. § 87(2)(b) did not show any physical symptoms of a medical condition and never disclosed any medical condition to the officers. PO Paul did not recall who called for the ambulance, but it was communicated through dispatch that they needed an ambulance for a "sick prisoner," which was a general term for any prisoner who needed to be removed to the hospital. When the EMTs arrived, § 87(2)(b) still refused to get fingerprinted. PO Paul stayed in the holding cell room where the EMTs asked § 87(2)(b) if he had any medical or psychiatric issues. However, PO Paul did not recall what § 87(2)(b) said. Neither of the EMTs communicated any information about § 87(2)(b) to PO Paul. § 87(2)(b) was not happy about going to the hospital, so PO Paul gave him the option to get fingerprinted or go to the hospital. § 87(2)(b) still refused to get fingerprinted and stated that he was not mentally ill, had no physical illness, and did not understand why he had to go to the hospital. § 87(2)(b) did not appear to be under the influence of any drugs or alcohol. Per standard procedure, all arrestees must be handcuffed and shackled on their legs when they are taken to the hospital. When this happens, there are usually two to three officers in the holding cell room for safety measures. PO Paul was inside the holding cell room with Sgt. Cromwell for this but did not recall who else was there with them besides the EMTs and § 87(2)(b). § 87(2)(b)'s legs appeared to be above average in size. PO Paul did not know if they were usually this size or were enlarged due to a medical condition. PO Paul had a difficult time placing the leg shackles around both of § 87(2)(b)'s legs as the leg shackles were made for smaller legs. However, PO Paul rolled § 87(2)(b)'s pants up and was able to secure the shackles around the bare skin of his legs. PO Paul was only able to secure the leg shackles at the first click and could not go tighter than that. PO Paul did not recall which officer helped him with this and did not recall what Sgt. Cromwell was doing. PO Paul did

not recall if § 87(2)(b) complained about experiencing any pain from the leg shackles. PO Paul did not see any bleeding or injuries on his legs. The EMTs asked § 87(2)(b) if he had any medical issues, to which he said he did not. § 87(2)(b) was then taken to the ambulance with the leg shackles on. PO Paul stayed inside the ambulance with him during the ride to the hospital. § 87(2)(b) was then discharged from the hospital as he had no issues and PO Paul picked him up (Board Review 09).

All the BWC footage captured § 87(2)(b)'s arrest and PO Roman's BWC recorded § 87(2)(b) in front of the desk as well as being placed in a holding cell and then it concluded. No BWC captured any conversation about § 87(2)(b) being fingerprinted, attempts to place him in shackles, or his removal to the hospital (Board Review 01-04).

PO Roman's BWC captures PO Roman escort § 87(2)(b) into the 34th Precinct stationhouse and voucher his property at the front desk. § 87(2)(b) argues briefly with PO Roman about his arrest and complains about being searched, but mostly stays silent throughout the interaction. PO Roman takes § 87(2)(b) into the holding cell room where he complies with instructions to remove his shoelaces and boots. § 87(2)(b) walks into the holding cell without argument. § 87(2)(b) does not yell or scream (Board Review 02).

According to Patrol Guide Procedure 208-11 regarding fingerprinting and arrests, the desk officer/supervisor is to notify the Borough Court Section supervisor of a prisoner who refuses to be fingerprinted, provide the Borough Court Section supervisor with the prisoner's information, and document the prisoner's refusal to be fingerprinted and then proceed with arrest processing. If the prisoner continues to refuse being printed, the prisoner is to be transported directly to the Borough Court Section in leg restraints. Absent extenuating circumstances, "Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted and palm printed." Prisoners may not be transported to another command outside of the Court Section to be processed but may be brought to a health care facility if they are in need of medical attention (Board Review 10).

According to Patrol Guide Procedure 221-13, an Emotionally Disturbed Person (EDP) is a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. Officers must safeguard a mentally ill or EDP who does not voluntarily seek medical assistance and must request/ensure the response of an ambulance (Board Review 11).

According to Patrol Guide Procedure 210-04, the escorting officer must rear cuff and place leg restraints on a prisoner requiring psychiatric treatment before transporting them to the hospital (Board Review 12).

PG 208-11 and PG210-04 both required that § 87(2)(b) be shackled absent extenuating circumstances. While PO Paul, Sgt. Cromwell and EMT § 87(2)(b) agreed that § 87(2)(b) had large legs, making it difficult to secure the shackles, they disagreed whether § 87(2)(b) remained shackled, and neither the ACR, medical records, nor EMT § 87(2)(b)'s statement support § 87(2)(b)'s assertion that he sustained any injuries. Additionally, there was no documentation noting § 87(2)(b)'s complaints about his pain. § 87(2)(g)

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While the officers, EMT § 87(2)(b), and the police documents were consistent in that § 87(2)(b) refused to be fingerprinted, their testimony was inconsistent with how he displayed that refusal. Sgt. Cromwell stated that § 87(2)(b) was screaming and cursing for hours. PO Paul, however, who was the arresting officer and interacted the most with § 87(2)(b) did not describe § 87(2)(b) as screaming and cursing but said that he was annoyed that he kept getting arrested. EMT § 87(2)(b) similarly described § 87(2)(b) as uncooperative and making a statement about trying to waste the officers' time but did not describe § 87(2)(b) as screaming or cursing and specifically stated that he was not physically combative. § 87(2)(b)'s medical records also describe his thought content and judgement as normal. § 87(2)(g)

§ 87(2)(b). Additionally, while § 87(2)(b) testified to suffering from high blood pressure, neither officer or EMT testimony nor police documentation supported that § 87(2)(b) was removed for a physical medical condition. Thus, Sgt. Cromwell should have followed Patrol Guide Procedure 208-11 that directed that § 87(2)(b) be transported directly to the Borough Court Section. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Cromwell has been a member of service for 15 years and has been a subject in eight CCRB complaints and 21 allegations, none of which were substantiated. § 87(2)(g)
- PO Paul has been a member of service for six years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- Mediation was not accepting cases therefore it was not offered as an option.
- As of April 5, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 14).

• § 87(2)(b)

Squad: 1

Investigator: Erica Jung Inv. Jung 6/24/2022
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda _____ 7.1.22
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date